HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

W.P.No.3466 of 2000

Dated 13th day of April, 2007

Between:

Koduri Krishnaveni ..
Petitioner

And

The District Collector,
West Godavari, Eluru
and another ..
Respondents

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O R D E R:

This writ petition is instituted seeking a mandamus to declare the action of the respondents in trying to evict the petitioner from the land of an extent of Ac.14.07 cents situated in R.S.Nos.189/1, 189/2, 193/1 & 193/2 situated in Jeelugumilli village, as arbitrary and illegal.

The facts of the case in brief are that the petitioner purchased the land of an extent of Ac.14.07 cents in R.S.Nos.189/1, 189/2, 193/1 & 193/2 situated in Jeelugumilli village, West Godavari District from Repaka Annapurna by virtue of a possessory agreement of sale on 15.4.1969 and since then she has been in peaceful possession and enjoyment of it. After the commencement of A.P.S.L.A.T. Regulation 1 of 1959 (for brevity "the Regulation") as amended by 1 of 1970, when the Special Deputy Tahsildar (T.W) filed a complaint before the Special Deputy Collector (T.W.) under Section 3(2)(a) of Regulation to eject the petitioner from the land in question, the Special Deputy Collector disallowed the claim of the Special Deputy Tahsildar. Now, the petitioner's grievance is that the respondents are trying to evict her from the land in question.

In spite of the fact that notices are served on the respondents, they have not chosen to file counter affidavit.

Heard the learned counsel for both the parties.

The Special Deputy Tahsildar (Tribal Welfare), K.R.Puram filed a complaint under Section 3(2)(a) of the Regulation and the same was numbered as S.R.No.51/96 before the Special Deputy Collector (Tribal Welfare) and after hearing all the parties concerned i.e. the Special Deputy Collector passed an order stating that the claim of the Special Deputy Tahsildar cannot be allowed. He further observed that an

appeal against the order lies before Agent to the Government within a period of two months. However, no appeal was preferred and the order of the Special Deputy Collector became final. So long as the order in favour of the petitioner is in force, this Court is of the view that the authorities, who are added as respondents, cannot interfere with the petitioner's possession. When once a competent authority i.e. the Special Deputy Collector (Tribal Welfare) passed an order on a claim made by the Special Deputy Tahsildar, there is no power of review under the Regulations. Hence, this Court has no hesitation to come to the conclusion that the respondents' interference with the petitioner's possession of the land is definitely without jurisdiction.

In the result, this writ petition is allowed and the respondents are directed not to interfere with the possession of the petitioner so far as the land in question is concerned. No costs.

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13.04.2007

bcj